

MEMO ENDORSED

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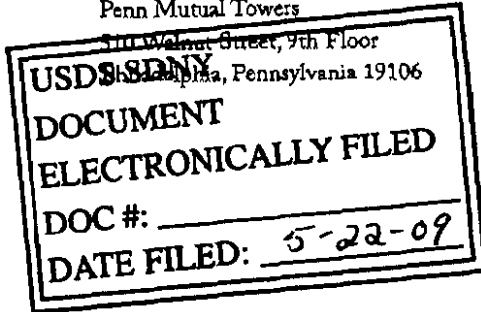
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May 20, 2009

VIA FACSIMILE ONLY (212) 805-7949

The Honorable P. Kevin Castel
United States Courthouse
500 Pearl Street
New York, New York 10007

RE: Zaccaro v. Hasu P. Shah, et al.
Case No. 08-CV-3138 (PKC)

Dear Judge Castel:

We have received Your Honor's Order of May 13, 2009 granting this office's request to adjourn the pretrial conference which had been scheduled for June 3, 2009. The adjourned date, June 1, also presents a scheduling conflict for this office as I have been selected to appear for jury duty (one day or one trial) on June 1 by the Delaware County Court of Common Pleas, the Pennsylvania State court for the vicinage in which I reside. Because of this conflict, we must again request the pre-trial conference be re-scheduled (as well as the pre-motion conference which was also scheduled for June 1 in response to Plaintiff and Defendants' May 15, 2009 requests).

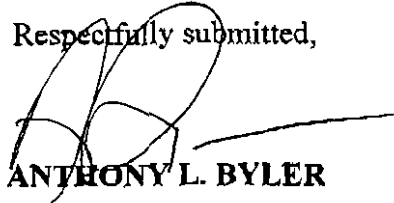
After receiving the May 13 Order, we notified counsel for Plaintiff of the scheduling conflict and sought their consent to again re-schedule the conference, as well as alternate dates when they are available. Based on the response to this communication, I can inform Your Honor that Plaintiff's counsel consented to our request to re-schedule the June 1 conference and, based on notification received yesterday, both sides are available on either June 2 or 5, 2009. As of this writing, however, due to scheduling conflicts of the parties and their counsel (who have been working together to secure a date where all of the appropriate decision makers can meet) we have not yet been able to schedule a face-to-face settlement meeting in accordance with paragraph 9 of the Court's Civil Case Management Plan and Scheduling Order. I bring this to the Court's attention in the event there is a preference to have the Case Management Conference take place after the parties' settlement meeting. If so, the parties are continuing to exchange dates and are currently attempting to schedule the settlement conference some time during the last two weeks of June.

*Conference adjourned
from June 1 to July
17 at 2:30 pm.
SO ORDERED
J. Castel
5-20-09*

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Based on the foregoing, Defendants request the next pre-trial conference and pre-motion conference be adjourned from June 1, 2009 to be re-scheduled after the parties have successfully scheduled their face-to-face settlement conference. Alternatively, in the event the scheduling conference and pre-motion conference is to take place prior to the parties' settlement meeting, we request that it be scheduled for either June 2, 2009 or June 5, 2009.

Respectfully submitted,



ANTHONY L. BYLER

ALB/abm

cc: VIA eMAIL ONLY

Edward A. Fleck, Esquire
JoAnne M. Bonacci, Esquire
Monika S. Pundalik, Esquire